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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,880	02/08/2002	Michael J. Economides	H053451.0037US0	8757
7590 06/24/2004				
TIM HEADLEY GARDEM WYNNE SEWELL LLP 1000 LOUISIANA SUITE 3400 HOUSTON, TX 77002-5007		EXAMINER TAYLOR, VICTOR J		
		ART UNIT PAPER NUMBER		
		2863		
DATE MAILED: 06/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/071,880

Applicant(s)

ECONOMIDES ET AL.

Examiner

Victor J. Taylor

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-61 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>4</u> . |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                     | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input checked="" type="checkbox"/> Other: <u>Restriction</u> .                                      |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 2/08/2002. These drawings are objected to because of dark figures found in the images under 37 CFR 1.184 or 37CFR 1.152. Correction is required.

### ***Claims***

2. Claims 1-61 are pending in the instant application.

### ***Election/Restrictions***

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-12, drawn to a stress profile system positioned within a wellbore to sense stress between a wellbore casing and a contact surface of a geological formation surrounding a borehole, classified in class 702, subclass 006.
  - II. Claims 13-37, drawn to a method to determine the preferred fracture orientation for optimizing the hydraulic fracture treatments in a wellbore and classified in class 166, subclass 250.1.
  - III. Claims 38-49 drawn to a method to assess the degree of shrinkage of a sealant between a wellbore casing and the surrounding geological formation using a stress profile analyzer and classified in class 175, subclass 050.

IV. Claims 50- 61 drawn to a method to assess the quality of the cement bond between the wellbore casing and the sealant borehole tool for measuring stress between the casing and the sealant in the wellbore and classified in class 166, subclass 282.

4. Inventions I, II, III, and IV are related as sub combinations of method of producing a stress profile system, and a method to determine the fracture orientation and a method to assess the degree of shrinkage of a casing sealant, and a method to assess the quality of the sealant bond in the wellbore disclosed as usable together in various combinations.

5. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, each of the inventions as listed above have separate utility as they recite distinct seismic methods of producing a stress profile system, and methods used to determine the fracture orientation of a borehole, and a method to assess the degree of shrinkage of a casing sealant in a borehole, and a method to assess the quality of the sealant bond in the wellbore or borehole that are not required of the other groups and has separate utility. See (MPEP § 806.05(d)).

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated proper.

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143)

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8. The telephone call was made to Dwayne L. Mason (38,959) on 22 June 2004 to request an oral election to the above restriction requirement, but did not result in an election being made. The applicant attorney advised that he had transferred the case and would now pick up the case and further advised that he could not make an election at this time because he had to confer with the applicant. As no election has been made at the time the instant application is before the examiner, the examiner has elected to mail the restriction in order to expedite the examination of the instant application and allow the attorney the time to confer with the applicant as indicated by the attorney.

9. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor J. Taylor whose telephone number is 571-272-2281. The examiner can normally be reached on 8:00 to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571-272-2863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VJT

  
18 June 2004

  
KAMINI SHAH  
PRIMARY EXAMINER